

AN ORDINANCE      **101653**

**MAKING A FINDING, PURSUANT TO THE REQUIREMENTS OF TEXAS PARKS AND WILDLIFE CODE CHAPTER 26, THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CHANGE IN USE FROM PUBLIC PARK USE TO PUBLIC SCHOOL USE OF APPROXIMATELY 8 ACRES LOCATED IN SPICEWOOD PARK IN CITY COUNCIL DISTRICT 4 AND AUTHORIZING THE TRANSFER OF OWNERSHIP TO SOUTHWEST INDEPENDENT SCHOOL DISTRICT, IN EXCHANGE FOR APPROXIMATELY 8 ACRES OF ADJACENT PROPERTY TO BE DESIGNATED AS PARK LAND.**

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**WHEREAS**, Southwest Independent School District (SWISD) is scheduled to build an elementary school in the vicinity of Spicewood Park located at 3139 Fidelia in City Council District 4; and

**WHEREAS**, the school service area is relatively isolated and elementary school students currently must be transported north of Loop 410 to Bob Hope Elementary School; and

**WHEREAS**, SWISD does not own property in this area and has not been successful in locating vacant land in the area to acquire for a school; and

**WHEREAS**, no suitable alternate property with appropriate access and dimensions for school development exists in the area except within the 31-acre Spicewood Park; and

**WHEREAS**, SWISD is requesting to utilize an undeveloped 8 acre portion of Spicewood Park to build the new school with recreational amenities; and

**WHEREAS**, Section 253 of the Texas Local Government Code protects parks from being sold without a vote of the public unless the sale is to a governmental entity with eminent domain authority, such as school districts; and

**WHEREAS**, Chapter 26 of the Parks and Wildlife Code requires that anytime a public park is put to a use other than public park use, the governing body must make a finding, after notice and a hearing, that there is no feasible and prudent alternative to the proposed change in use; and

**WHEREAS**, the City's goal is to not lose any park acreage, and at the same time construct and utilize park amenities that can be shared by the City and SWISD; and

**WHEREAS**, SWISD will construct ball fields, playgrounds, gym, and parking areas that can be jointly used by the school and by park patrons; and

**WHEREAS**, the project has been discussed with the private landowner, citizens and neighbors of the park and affected families in the neighborhood. The public has indicated its support of the project, as has the SWISD School Board and City Councilman Richard Perez (District 4). The project concept was approved by the Planning

Commission on September 28, 2005 and by the Parks and Recreation Board on September 28, 2005; and

**WHEREAS**, notice was printed in the San Antonio Express-News on October 16, 2005, October 23, 2005, and October 30, 2005 on this issue and its proposed consideration by City Council; **NOW THEREFORE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

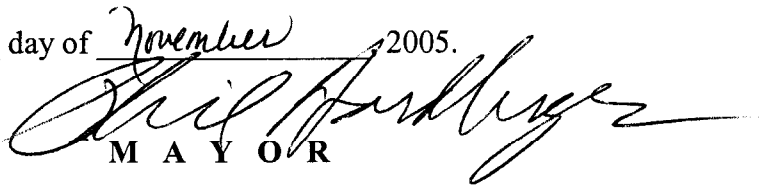
**SECTION 1.** In accordance with chapter 26, Texas Parks & Wildlife Code, the City Council finds that there is no feasible and prudent alternative to the change in use of approximately 8 acres located in Spicewood Park in City Council District 4 from public park use to public school use; and that the proposed land exchange with Southwest Independent School District includes all reasonable planning to minimize harm to the land, as a park, resulting from the public school use.

**SECTION 2.** The City Manager, or her designee, is hereby authorized to negotiate an agreement with Southwest Independent School District to exchange approximately 8 acres located in the Spicewood Park for approximately 8 acres of property to be acquired by Southwest Independent School District adjacent to Spicewood Park to be designated as park land, subject to the condition that the 8 acres of land to be transferred to the city shall meet approval of the Director of Parks and Recreation of the City of San Antonio.

**SECTION 3.** If an agreement, as first reviewed and approved by the City Attorney, is not signed by both parties within one hundred twenty (120) days from the effective date of this ordinance, it becomes null and void, and any further signed documents must be considered by the City Council.

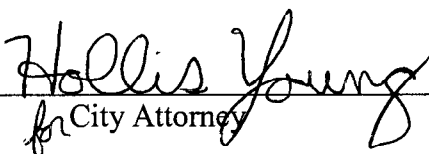
**SECTION 4.** This ordinance shall be effective on and after November 20, 2005.

PASSED AND APPROVED this 10<sup>th</sup> day of November, 2005.

  
M A Y O R

ATTEST:   
City Clerk

PHIL HARDBERGER

APPROVED AS TO FORM:   
for City Attorney

# Agenda Voting Results

**Name:** 6.

**Date:** 11/10/05

**Time:** 09:52:41 AM

**Vote Type:** Multiple selection

**Description:** Public hearing and consideration of an Ordinance making a finding, pursuant to the requirements of Texas Parks and Wildlife Code Chapter 26, that there is no feasible and prudent alternative to the change in use from public park use to public school use of approximately 8 acres located in Spicewood Park in City Council District 4 and authorizing the transfer of ownership to Southwest Independent School District, in exchange for approximately 8 acres of adjacent property to be designated as park land. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1	Not present	x		
SHEILA D. MCNEIL	DISTRICT 2				
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7	Not present			
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		